

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04-CV-248**

NICKEY GREGORY COMPANY,)
INC., et al.)

Plaintiff,)

and)

CAPITAL PRODUCE DISTRIBUTORS,)
INC., et al.)

Intervening Plaintiff)

v.)

McGEE PRODUCE, INC., et al.)

Defendant.)

ORDER

THIS MATTER comes before the Court upon its own motion. Pursuant to the consent order of October 28, 2005, (Docket #65) and as no objections were entered within the thirty day period prescribed by that order, this case is hereby **DISMISSED** without prejudice for lack of prosecution.

IT IS SO ORDERED.

Signed: June 6, 2006



Graham C. Mullen
United States District Judge

